

Appl. No. : 10/648,150
Filed : August 25, 2003

REMARKS

In the office action mailed February 21, 2007, the Examiner rejected claims 1, 5-13, 16-18 and 20 – 22 under 35 U.S.C. Section 102 (e) or 35 U.S.C. Section 103 as being either anticipated by or obvious in view of Dor (U.S. Patent Application No. 2004/0088551). By this paper, the Applicant has amended the claims of the application to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

As an initial matter, the Applicant would like to thank the Examiner of extending the courtesy of a personal interview to Applicant's representative, Mike Trenholm, on March 20, 2007. During the interview, a proposed Claim 1 was discussed in light of the Dor reference. As discussed in the interview, Dor does not disclose or teach the concept of a system having a record that includes information about the individual's access device and also whether the individual is allowed to gain access to a secured component via their personal communications device wherein the system allows alternate access by sending an alternate access code to the individual via their personal communications which the individual then provides the access code back to the controller (*See*, proposed Claim 1 and Claim 1 as amended).

Dor is not directed towards providing alternative access via the personal communications device as Dor is using the wireless device as the primary access device. In fact, Dor requires a docking station at the access device that receives the wireless device and interrogates the internal person specific codes of the wireless device to determine whether to allow access. Thus, Dor does not disclose or teach a system that allows the personal communications device to be used as an alternative access mechanism.

For these reasons, the Applicant believes that Claim 1 as amended, which corresponds to the proposed claim in the interview, is allowable over the art of record. The Applicant has similarly amended independent Claims 9 and 16 and believes that these claims are allowable for similar reasons.

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SUMMARY

For the foregoing reasons the Applicant submits that Claims 1, 9 and 16 are patentable over the art of record. The Applicant further submits that the remaining claims define additional patentable subject matter and are further patentable due to their respective dependency on Claims 1, 9 and 16. The Applicant therefore believes the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/8/07

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